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BILL RATLIFF  
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Committee:

FINANCE, Chairman  
EDUCATION  
INTERNATIONAL RELATIONS  
NATURAL RESOURCES  
• SUBCOMMITTEE ON AGRICULTURE  
LEGISLATIVE BUDGET BOARD

October 31, 1996

The Honorable Dan Morales  
Attorney General of Texas  
Post Office Box 12548  
Austin, Texas 78711-2548

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FILE # ML39231  
D. # 39231

Opinion Committee

Dear General Morales:

I request an opinion from your office on the following questions:

1. May the City of Longview, Texas, as a home rule city, make a gratuitous transfer of City-owned property to the University of Texas for purposes of creation of a localized campus under the University of Texas system. Additionally, the proposed transfer of property may be complicated by the fact that the property designated for transfer has been previously purchased by park bond funds, but as of yet has not been specifically utilized for park purposes.

Further facts for your consideration are that the City of Longview City Council could make findings that a commitment by the University of Texas, if the stated gratuitous transfer is made, to establish and construct a localized campus on the dedicated property would constitute sufficient consideration equivalent to the fair market value of the property. Likewise, please prepare your opinion based on the presumption that the City of Longview City Council could make additional appropriate findings determining that (1) there is no feasible and prudent alternative to the use or taking of such park land; and (2) the program or project includes all reasonable planning to minimize harm to the land resulting from the use or taking.

2. The City would like to know if under these conditions the intended transfer of park land property would be in compliance with the requirements of Article III, Section 52 of the Texas Constitution; Section 253.001 of the Local Government Code; Section 272.001 (b) of the Local Government Code; Chapter 26, specifically Section 26.001(a) of the Parks and Wildlife Code; and any other constitutional and statutory provisions which may apply.
3. Assuming other procedural matters were also addressed, such as notice and public hearing incident to compliance with the Parks and Wildlife Code, the City believes the following



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authorities support an opinion the proposed transaction is in compliance with the above-cited state constitutional provisions and state statutes, and any other applicable state laws. More specifically, the City believes that the intended transaction is supported by the findings in *Kingsville Independent School District vs Crenshaw*, 164 SW2d 49 (Tx.Civ. App. 1942, writ ref'd, w.m.); *City of San Antonio vs. the Congregation of the Sisters of Charity of the Incarnate Word*, 360 SW2d 580 (Tx.Civ.App., Waco, 1962); and prior Attorney General's Opinions Nos. H-108 (September 20, 1973); H-1256 (October 12, 1978); and DM-232 (July 9, 1993).

Thank you for your early attention to this request. If I can furnish further information please do not hesitate to contact my office.

Yours very truly,

A handwritten signature in cursive script, reading "Bill Ratliff".

William R. Ratliff  
State Senator

WRR/vf

cc: Honorable I. J. Patterson, Mayor  
City of Longview